



UNITED STATES DISTRICT COURT DISTRICT OF OREGON

ELECTRONIC AVAILABILITY OF CASE FILE INFORMATION AND REMINDER REGARDING PERSONAL DATA IDENTIFIERS AND OTHER SENSITIVE INFORMATION

Litigants and counsel of record are strongly advised to follow and adhere to the rules¹, policies and procedures regarding personal data identifiers to ensure that personal or otherwise sensitive information is appropriately redacted from court filings.

Personal identifier information is not to be included in any document filed with the court unless such inclusion is necessary and relevant to the case. Any personal information not otherwise protected will be made available over the Internet via PACER. Furthermore, be advised that the responsibility to redact filings rests with counsel and the party or non-party making the filing. The clerk is not required to review documents filed with the court for compliance with the privacy rules.

If sensitive information must be included, certain personal data identifiers are to be partially redacted from the pleading. Unless the court orders otherwise, an electronic or paper filing with the Court that contains an individual's social security number, taxpayer-identification number, birth date, the name of an individual known to be a minor, financial-account number or, in a criminal case, a home address, a party or nonparty making the filing may include only:

1. The last four digits of the social-security number and taxpayer-identification number;
2. The year of the individual's birth;
3. The minor's initials;
4. The last four digits of the financial-account number; and
5. In a criminal case, the city and state of an individual's home address.

In addition, filers are advised to exercise caution when filing documents that contain the following:

1. Personal identifying number, such as driver's license number;
2. Medical records, treatment and diagnosis;
3. Employment history;
4. Individual financial information; and
5. Proprietary or trade secret information.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers specified above have the following options. The filer may submit an unredacted document under seal. This document will be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file. Alternatively, the filer may submit a reference list under seal. The reference list is to contain the complete personal data identifier and the redacted identifiers used in their place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete identifier. The reference list is to be filed under seal, retained as part of the court record, and may be amended as of right.

Counsel are strongly urged to share this notice with all clients so that an informed decision about the inclusion of certain materials may be made.

¹See Fed. R. Civ. P. 5.2 and Fed. R. Crim. P. 49.1.